

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|--------------------------|---|-------------------------------|
| IN RE: | : | CHAPTER 12 |
| GORRELL DAIRY LLC | : | |
| | : | CASE NO. 5:18-bk-05275 |
| Debtor | : | |
| | : | |
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NOTICE

NOTICE IS HEREBY GIVEN THAT Kara K. Gendron, Chapter 12 Trustee, through her attorney, Kara K. Gendron of Mott & Gendron Law has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 12 Plan.

Objections are due by 12/22/2023

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing at the following date, time, and location:

**United States Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S Main St.
Wilkes-Barre, PA 18701**

Hearing Date: 1/11/2024

Time: 10:00 am

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place:

1) You have paid the following and have confirmed payment with Trustee Gendron's office:

AMOUNT DELINQUENT AS OF LAST MONTH: \$219,248.00

AMOUNT DUE FOR THIS MONTH: \$54,812.00

TOTAL AMOUNT DUE BEFORE HEARING DATE (does not include Jan. 2024 monthly payment): \$274,060.00

NOTE: ALL payments must be mailed to:

**Kara K. Gendron, Trustee
Mott & Gendron Law**

**125 State Street
Harrisburg, PA 17101**

- 2) You have entered into a valid stipulation with Trustee Gendron and that stipulation has been filed with the court; or
- 3) You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Gendron.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 12 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Date: December 1, 2023

Respectfully submitted,

/s/ Kara K. Gendron
Kara K. Gendron, Trustee
Mott & Gendron Law
125 State Street
Harrisburg, PA 17101
karagendron@gmail.com
<http://www.mottgendronlaw.com>
T: (717) 232-6650 | F: (717) 232-0477

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| Debtor | : | CASE NO. 5:18-bk-05275 |
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MOTION TO DISMISS CASE

COMES NOW Kara K. Gendron, Chapter 12 Trustee, by and through her attorney, Kara K. Gendron of Mott & Gendron Law and moves this Honorable Court for dismissal of the above-captioned Chapter 12 bankruptcy case in accordance with 11 U.S.C. Section 1208(c), due to material default by the debtor with respect to the terms of the plan, respectfully stating in support thereof:

1. On December 17, 2018, Gorrell Dairy LLC commenced its reorganization by filing a voluntary petition for relief under Chapter 12 of Title 11 of the United States Code. At the time of filing, Gorrell Dairy LLC operated a dairy farm comprising of approximately 1226 head of cattle on a dairy farmstead. The dairy farm real property is owned by Glenn and Robin Gorrell. The Gorrells are 100% members of Gorrell Dairy LLC.
2. Also on December 17, 2018, Glenn and Robin Gorrell commenced their reorganization by filing a voluntary petition for relief under chapter 12 of title 11 of the United States Code.
3. On December 18, 2018, William G. Schwab, Esquire was appointed as the Chapter 12 case Trustee.
4. On December 31, 2018, David H. Ealy, Esquire of Trevett Cristo Salzer and Andolina PC, filed an Application to Employ himself and his firm as counsel for Gorrell Dairy LLC and the Application was approved by Order dated January 14, 2019.
5. On March 18, 2019, Debtor's counsel filed a Motion for Joint Administration of the Gorrell Dairy LLC case and the chapter 12 case of the Gorrells. Said Motion was granted by Order dated April 18, 2019.
6. The Debtor filed plans, which were met with various objections, and thereafter amended.
7. On October 15, 2019, the Debtor filed a Second Amended Plan, which was ultimately confirmed on November 27, 2019.

8. On February 2, 2022, the US Trustee appointed the undersigned, Kara Gendron, Esquire to serve as Successor Trustee in this case due to William G. Schwab's retirement and his appointment as Trustee in the instant case was thereby revoked. Since her appointment as Chapter 12 Trustee to the case, the undersigned Trustee has been submitting chapter 12 monthly operating reports to the Region 3 Analyst in accordance with the policies and procedures of the Office of the United States Trustee.

9. The Debtor's confirmed plan provides for sixty (60) monthly payments, with the first payment to the Trustee commencing on November 1, 2019. The first twenty-four (24) monthly payments per the plan are in the monthly amount of \$31,480.00 and the following thirty-six (36) monthly payments are in the monthly amount of \$54,812.00. The total amount of the base plan is \$2,728,752.00.

10. On January 24, 2023, the Trustee filed a status report, indicating that the Debtor was making timely monthly plan payments, which the undersigned Trustee had been disbursing on a monthly basis pursuant to the confirmed plan.

11. The Debtor did not make a monthly payment in June 2023. In July of 2023, the Trustee contacted Debtor's counsel regarding the missed payment and he indicated that the Debtor was experiencing financial difficulty due to low milk prices and was considering a possible plan modification.

12. In early September 2023, the Trustee reached out to Debtor's counsel again and indicated that the Debtor was at that time three months behind, for a total default of \$164,436.00 and that the Debtor would owe the monthly plan payment of \$54,812 for September. Further, the Trustee stated that she would have to file a motion to dismiss if the Debtor did not file a modified plan or promptly cure the default. Debtor's counsel indicated that he anticipated filing a modified plan within two weeks.

13. In mid-October 2023, the Trustee reached out again to counsel regarding the now four month default and was informed that a modified plan would be forthcoming.

14. At the end of October 2023, the Debtor made a plan payment, but was still four months behind.

15. On November 16, 2023, the Trustee contacted Debtor's counsel and stated that if a modified plan was not filed by November 30, 2023, she would file a motion to dismiss.

16. The Debtor made a monthly plan payment as the end of November 2023, but as of November 30, 2023, the Debtor did not file a modified plan and did not cure the four month default which totals \$219,248.00.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1208(c).

Respectfully submitted,

/s/ Kara K. Gendron

Kara K. Gendron, Trustee

Mott & Gendron Law

125 State Street

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| Debtor | : | |
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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.

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IN RE: : **CHAPTER 12**
GORRELL DAIRY LLC :
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 : **CASE NO. 5:18-bk-05275**
Debtor :
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CERTIFICATE OF SERVICE

The undersigned paralegal in the office of:

MOTT & GENDRON LAW, 125 STATE STREET, HARRISBURG, PA 17101

hereby certifies that a copy of the attached documents were mailed today to all parties listed below either electronically or by regular first class mail:

UNITED STATES TRUSTEE
1501 N 6th Street
PO Box 302
Harrisburg, PA 17102

David H Ealy
Cristo Law Group LLC d/b/a Trevett Cristo
2 State Street
Suite 1000
Rochester, NY 14614
585-454-2181
Email: dealy@trevettcristo.com

GORRELL DAIRY LLC
392 Wood Road
Milan, PA 18831
BRADFORD-PA

Dated: 12/01/2023

/s/ Elizabeth Snyder

Elizabeth Snyder
MOTT & GENDRON LAW
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